

# **Exhibit F**

## Memorandum

Date: July 5, 2022  
To: Amanda Masters  
From: Board Staff  
Re: An Update to the June 2022 Memo on Conditions in the Intake Area at EMTC

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### Background

Since the June 14, 2022, Board meeting, Board staff have continued to monitor closely the conditions at EMTC. This memo focuses on four topics: 1) main intake pens that are less crowded and cleaner; 2) unsanitary and inhumane conditions in two holding pens in the intake area; 3) the Department's misuse of the decontamination area; and 4) continued safety concerns due to insufficient staffing and unstaffed B-posts.<sup>1</sup>

All findings are based on Board staff's in-person and virtual observations, interviews with people in custody and DOC staff, review of DOC records, and digital data and information available on DOC systems (e.g., Genetec and DOC Intake Dashboard). Board staff have shared all concerns with facility leadership and will continue to work with DOC to address them.

### Findings

#### Main Intake

Over the past month, operations in the main intake at EMTC have improved, as the intake pens appear to be overcrowded less frequently than in the previous month. In addition, it appears that cleaning crew sanitation rounds are occurring more regularly. Also, the facility opened an officer station in the back of the intake area, allowing for the possibility of increased security in that area. In addition, at the request of Board staff and the EMTC leadership's subsequent direction, Department staff installed a bench in intake pen #8—a pen which previously lacked any seating and forced people in custody, who were in intake for extended periods, to sleep or lay on the floor.

In mid-June, while monitoring the Department's Intake Dashboard—a computer program that tracks time in custody for all new admissions, to ensure compliance with the requirement that all newly admitted people be housed within 24 hours of entering DOC custody—Board staff observed and documented a pattern of data manipulation to DOC's Intake Dashboard. Specifically, Board staff documented 16 instances where Department staff retroactively changed a person's "In Custody Start Time," in what appears to be an effort to obscure or "cure" 24-hour housing violations. On June 16, 2022, Board staff reported these findings to the Acting Warden, who, in turn, addressed them promptly.

Lastly, the Department has significantly increased their use of the body scanner at EMTC. Following the June 14<sup>th</sup> meeting, the Department has scanned over 300 people compared to the seven people that were scanned between June 1<sup>st</sup> to June 12<sup>th</sup>.

Despite these improvements, there are still many safety concerns regarding the housing areas at EMTC, especially as they relate to unstaffed B-posts, the facility's misuse of its shower decontamination area in

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<sup>1</sup> BOC staff have continued to closely monitor unstaffed posts at EMTC and learned that on June 28, 2022, there were 24 B-Post areas without a B-post officer at EMTC.

the main intake, and the unsanitary and inhumane conditions in two of the main intake's holding pens. The three incidents described below demonstrate these safety concerns and are a sample of our findings:

Date	Area of Concern	Description
June 30, 2022	Unstaffed B Posts	<p>At approximately 9:15AM, [REDACTED] was brutally beaten by several people in custody in the bathroom in 7 Lower at EMTC, a new admission housing area. There was no B-Post staff on the floor at the time of the assault, and consequently there was no staff available to intervene or help Mr. [REDACTED] until 5 minutes after the assault had ended. Thereafter, Mr. [REDACTED] was transported to Elmhurst Hospital, where he was intubated. As of July 5, Mr. [REDACTED] remains hospitalized, and the Department has not reported this incident to the DOC Central Operations Desk ("COD") as a "Serious Injury" or as an "Unresponsive/Unconscious Inmate."</p>
June 25, 2022	Inappropriate Use of Decontamination Area	<p>[REDACTED] was involved in a questionable use of force ("UOF") in 1 Main—a Mental Observation Housing area—at approximately 2:05 PM. Following the UOF, the Department escorted him to the main clinic holding pen, where he was involved in a fight and UOF and was sprayed with OC. Thereafter, DOC staff removed him from the clinic and placed him in the decontamination shower cage in the Main Intake. Video footage suggests that Mr. [REDACTED] remained in the decontamination shower cage until the following morning, at which time he was briefly let out, only to become subject to another UOF, as he was sprayed again with OC for disobeying orders. DOC staff then escorted Mr. [REDACTED] back to the decontamination shower cage, where it appears he remained until approximately 6:00 PM.</p> <p>In sum, it appears that Mr. [REDACTED] might have been confined to the decontamination shower cage for more than 24 hours, without access to food or medical or mental health assistance. It is difficult to determine precisely how long Mr. [REDACTED] was in the shower cage, as there are no working Genetec cameras in this area.</p> <p>Eventually, a medical emergency was activated and EMS transported Mr. [REDACTED] to the hospital. People in custody informed Board staff that Mr. [REDACTED] persistently engaged in self-harm during the many hours he was in the shower cage—banging his head and punching and kicking the metal cage. Mr. [REDACTED] has been in the Intensive Care Unit at Bellevue Hospital since June 27, and Board staff met with him there, and documented extensive injuries to his body.</p> <p>Despite his involvement in multiple uses of force, beginning at 2:05 PM on June 25, Mr. [REDACTED] was not seen by CHS staff until approximately 6:00 PM on 6/26/22. Moreover, despite the nature of Mr. [REDACTED] extensive physical injuries, DOC reported Mr. [REDACTED] s injuries as being associated with the Use of Force incidents and fight, and <i>not</i> self-harm.</p>

June 25, 2022	Unsanitary Conditions in Intake Pen 9	At 11:33PM, a still-unidentified person in custody defecated on himself and soiled his clothes and the floor in the Main Intake in Pen #9, which does not have a toilet or sink. He and others in custody spent the next 12 hours in that pen, at times sleeping on the floor in the feces. The unidentified person remained in his soiled uniform for nearly 12 hours and was able to change at approximately 11:16 AM, only after another person in custody removed the clean uniform that he had on and offered it to that still-unidentified person.
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#### Other Concerns

Additionally, BOC staff are concerned about people in custody's ability to access other essential services, such as linen exchange, the ability to meet with a legal aid representative and access to the Department's grievance system. This is important because of the high census at the facility and the fact that detainees are spending longer than 10 days at EMTC. On July 5, 2022, there were 715 people in EMTC and 34% (n=208) of detainees (non-city sentenced) had been in custody between 15 to 30 days. BOC staff have been working with facility leadership to ensure that the following needs are met:

1. Ensure that the facility gets assigned a grievance officer to assist with speaking to people in custody and collecting grievance forms.
2. Ensure that EMTC gets a permanent Legal Aid employee to help connect people with their attorney in a confidential setting. Legal Aid represents approximately 60 percent of the population at EMTC
3. Ensure that Linen Exchange occurs more frequently.

#### **Recommendations**

- The Department should create and commit to a plan to staff all B-Posts in all housing areas at EMTC on all three tours. It is important to note that approximately 90% of all serious injuries occur in housing areas.
- The Department should install Genetec cameras in the Decontamination Shower Area in the EMTC Main Intake and commit to a plan to closely monitor this area for misuse.
- The Department should either install toilets and sinks in Pen #8 and #9 in the EMTC Main Intake or stop using those pens.